



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 2, 1998

Mr. Dennis P. Duffy
General Counsel
University of Houston System
E. Cullen Building, Room 212
Houston, Texas 77204-2162

OR98-2914

Dear Mr. Duffy:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act ("act"), chapter 552 of the Government Code. Your request was assigned ID# 120137.

The University of Houston System (the "system") received a request for the following information:

a copy of all documents pertaining to the special audit performed in the spring of 1998, as described in the attached Public Announcement, including correspondence, memoranda and statements collected by the University of Houston about the following 1. "dummy courses" or "paper courses" at the University of Houston (courses which are billed to the state but for which no work is actually performed); or 2. Professor Eugene Decker, III.

You claim that the requested information is excepted from disclosure under sections 552.103, 552.114, and 552.116 of the Government Code. We have considered the exceptions you claim and reviewed the representative sample documents.¹

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Section 552.116 reads as follows:

An audit working paper or draft audit report of the state auditor or of another state agency or institution of higher education as defined by Section 61.003, Education Code, is excepted from [required public disclosure].

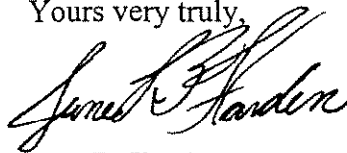
The Seventy-fifth Legislature amended section 552.116. Act of May 30, 1997, H.B. 2906, § 10, 75th Leg., R.S. The house bill amending section 552.116 also amended Government Code section 321.001 to define the term "audit working paper" as

all documentary and other information prepared or maintained in conducting an audit or investigation, including all intra-agency and interagency communications relating to an audit or investigation and all draft reports or portions thereof.

After reviewing the submitted information, we agree that the information constitutes "audit working paper[s]" as defined in Government Code section 321.001. We note, however, that a completed audit made of, for, or by a governmental body is made public by the act. Gov't Code § 552.022(1). Therefore, except for the final report, we conclude that the system may withhold the requested information under section 552.116 of the Government Code.

Because we are able to make a determination under section 552.116, we do not address your additional arguments against disclosure. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/ch

Ref.: ID# 120137

Enclosures: Submitted documents

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(w/o enclosures)